



Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 7, 2004

Sonia V. McVean
Sonia V. McVean

**PATENT
36856.1172**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jun ENDO and Teruyoshi MUKAIHIRA Serial No.: 10/728,464 Filing Date: December 5, 2003 For: POINTING DEVICE AND METHOD OF PRODUCING THE SAME	Art Unit: 2673 Examiner: Not yet assigned
--	--

PETITION UNDER 37 C.F.R. 1.53(e)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice Of Omitted Item(s) in a Nonprovisional Application
Filed Under 37 C.F.R. 1.53(b), mailed July 1, 2004, enclosed please find the following:

1. Copy of the Notice Of Omitted Items;
2. Check in the amount of \$130.00 to cover the petition fee under 37 C.F.R.
1.17(i);
3. Copy of the returned postcard with evidence of receipt from the PTO; and
4. Figure 3, apparently, missing from the application.

07/12/2004 HLE333 00000049 10728464

01 FC:1460

130.00 0P

Applicants hereby assert that figure 3 was deposited in the PTO with the application papers filed December 5, 2003. Because the postcard receipt itemizes 7 sheets of formal drawings and is stamped by the PTO as being received, the postcard serves as *prima facie* evidence of receipt of figure 3 in the PTO, as set forth in MPEP §503. A substitute figure 3 is submitted herewith in the event that figure 3 deposited with the application is not found.

A general authorization/petition for extensions of fee was filed concurrently with the filing of the present application. The Commissioner of Patents is authorized to charge any shortage in the fees due or credit any overpayment to Deposit Account No. 50-1353.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JR Keating', written over a horizontal line.

Attorney for Applicant(s)
Joseph R. Keating
Reg. No. 37,368

Date: July 7, 2004

KEATING & BENNETT, LLP
10400 Eaton Place
Suite 312
Fairfax, VA 22313
(703)385-5200



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,464	12/05/2003	Jun Endo	36856.1172

Keating & Bennett LLP
Suite 312
10400 Eaton Place
Fairfax, VA 22030



CONFIRMATION NO. 2192

FORMALITIES LETTER



OC000000013119768

Date Mailed: 07/01/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 3 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

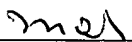
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Serial No. UNKNOWN, NEW APP Attorney: CAS Mailing Date 12/05/2003
Client MURATA Our Ref. No. 36856.1172
Title POINTING DEVICE AND METHOD OF...
Applicant(s): SHIN ENDO LTD.
The following, due 01/20/2002 in the U.S. Patent & Trademark Office, was received in
the U.S. Patent & Trademark Office Mail Room on the date stamped hereon:

<input checked="" type="checkbox"/> Patent Application, Including:	<input type="checkbox"/> Amendment
<input checked="" type="checkbox"/> 26 Pages of Specification, including:	<input type="checkbox"/> Request for Reconsideration
<input checked="" type="checkbox"/> 20 Claims and Abstract	<input type="checkbox"/> Amendment After Final Rejection
<input checked="" type="checkbox"/> Drawings <u>2</u> Sheet(s) <u>(FORMAL)</u>	<input type="checkbox"/> Response to Restriction Requirement
<input checked="" type="checkbox"/> Combined Decl./Power of Atty.	<input type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Letter to Official Draftsperson
<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Assignment with PTO 1595	<input type="checkbox"/> Change of Address
<input type="checkbox"/> Small Entity Status Form	<input type="checkbox"/> Response to NTFMP
<input checked="" type="checkbox"/> Priority Document(s) <u>(4)</u>	<input checked="" type="checkbox"/> General Authorization to Charge Acct.
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Charge Acct. Authorization for \$
<input type="checkbox"/> Preliminary Amendment	<input checked="" type="checkbox"/> Credit Card Payment Form for \$ <u>330.00</u>
<input checked="" type="checkbox"/> IDS w/ Form PTO 1449 w/	<input checked="" type="checkbox"/> Credit Card Payment Form for \$ <u>40.00</u>
<input type="checkbox"/> <u>2</u> cited references	<input type="checkbox"/> Check No. _____ for \$ _____
<input type="checkbox"/> Request for Continued Examination	<input type="checkbox"/> Check No. _____ for \$ _____
<input type="checkbox"/> Request for App. of Drwg. Corrections	
<input type="checkbox"/> VIA HAND DELIVERY	
<input type="checkbox"/> CERTIFICATE OF MAILING	
<input checked="" type="checkbox"/> EXPRESS MAIL NUMBER: <u>EL629609046US</u>	

